

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-1378-MN
)	
MASIMO CORPORATION and)	JURY TRIAL DEMANDED
SOUND UNITED, LLC,)	
)	
Defendants.)	
)	
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MASIMO CORPORATION and)	
CERCACOR LABORATORIES, INC.,)	
)	
Counterclaim-Plaintiffs,)	
)	
v.)	
)	
APPLE INC.,)	
)	
Counterclaim-Defendant.)	

**APPLE INC’S MOTION TO DISMISS MASIMO CORPORATION’S
COUNTERCLAIMS AND STRIKE ITS INEQUITABLE CONDUCT
AFFIRMATIVE DEFENSE**

Plaintiff and Counterclaim-Defendant Apple Inc. moves to (1) dismiss Defendant Masimo Corporation’s (“Masimo”) counterclaims I-VI, (2) dismiss all counterclaims for declaratory judgment of unenforceability due to inequitable conduct, (3) strike Masimo’s Second Defense of inequitable conduct, and (4) dismiss all counterclaims of pre-suit willful and indirect infringement (as part of Counts X, XII, XIV, XV, XVI). The grounds for this Motion are set forth in the accompanying Opening Brief in Support filed contemporaneously herewith.

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Dated: February 21, 2023
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